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20/12/07

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No.7489 of 2007

PETITIONERS

1. Nakul Ram Som age about 55 years, Headmaster s/o Late Shri Jagnnath Som Middle School Parsapani Block Nagari, District Dhamtari(CG)
2. Rikhiram Sahu age about 56 years, Assistant Teacher s/o Late Shri Miluram Sahu Boys Middle School Saknra Block Nagari, District Dhamtari(CG)
3. Dwarika Prasad Bagde age about 61 years, Assistant Teacher s/o Late Shri Babulal Bagde Govt. Middle School Singhpur Block Magarload, District Dhamtari(CG)
4. Kripa Ram Atel age about 54 years, Lecturer s/o Late Shri Narsingh Thakur Govt. High. Sec. School Bhendari Block Magarload, District Dhamtari(CG)
5. Gaind Lal Kanwar Age about 55 years, Headmaster S/o Late Shri Ghanaram Kanwar Govt. Primary School Kareli Choti Block Magarload, District Dhamtari(CG)
6. Ram Narayan Sahu age about 56 years, Assistant Teacher S/o Late Shri Jharihar Sahu, Govt. Navin Primary School Dindayal Nagar, Navapara(Rajim) Block Abhanpur, District Raipur(CG)
7. Laxmi Nath Jagnayak, age about 58 years, Headmaster s/o Late Shri Jeelu Ram Jagnayak Adarsh Navin Primary School Upadhayay Nagar, Navapara, (Rajim) Block Abhanpur, District Raipur(CG)
8. Mahettar Lal Yadav Age about 52 years, Assistant Teacher S/o Shri Chhabiram Yadav, Govt. Primary School Navagaon (Kandel) Block Dhamtari District Dhamtari(CG)
9. Deendayal Bansode, age about 57 years, Headmaster s/o Late Shri Tijau Ram Bansode Govt. Middle School Loharsi Block Dhamtari, District Dhamtari(CG)
10. Bisouha Ram Sahu, age about 55 years, Assistant Teacher, S/o Late Shri Baliram Sahu, Govt. Primary

School, Joudi, Block Abhanpur District Raipur(CG)

11 Sanjay Kumar Gayakwad age about 55 years, Assistant Teacher s/o Late Shri Krishna Rao Gayakwad Middle School Dhamtari Block Dhamtari, District Dhamtari(CG)

12 Smt. Kamla Sandilya age about 50 years, Assistant Teacher W/o Late Shri Shalikram Sandilya Middle No.1, School Dhamtari, Block Dhamtari, District Dhamtari(CG)

13 Hanuman Singh Verma, age about 50 years, Assistant Teacher, s/o Shri Bhagwan Singh Verma, Govt. Middle School Jalampur, Block Dhamtari, District Dhamtari(CG)

14 Shivdayal Sahu, Age about 52 years, Assistant Teacher, s/o Late Shri Hariram Sahu, Middle School Kandel(Dhamtari), Block Dhamtari, District Dhamtari(CG)

15 Smt. Amrit Thakur(Dhruw) age about 50 years, Headmaster w/o Shri Jagat Ram Thakur, Govt. Primary School Ravanguda Block Dhamtari, District Dhamtari(CG)

16 Smt. Jyotirmayi Nadem (Gopawar) age about 57 year, Assistant Teacher, w/o Shri Yogiraj Gopawar Govt. Girls Hr. Sec. School Dhamtari, Block Dhamtari, District Dhamtari(CG)

17 Rameshwar Singh Gajendra age about 57 years, Assistant Teacher, S/o Late Shri Joidha Ram Gejendra Govt. Middle School Megha Block Magarload, District Dhamtari(CG)

18 Nand Kumar Shukla, Age about 51 years, Assistant Teacher, S/o Late Shri Rishiram Shukla, Primary School Parsuli, Block Dhamtari, District Dhamtari(CG)

19 Satrughan Singh Dhruw Age about 51 years, Headmaster s/o Shri Dhir Singh Dhruw Govt. Primary School Sanjay Nagar, Kurud, Block Kurud, District Dhamtari(CG)

20 Jeevan Lal Dhruw age about 56 year, Headmaster s/o Shri Dhir Singh Dhruw Govt. Primary School Khapari (Bangoli), Block Kurud, District Dhamtari(CG)

Versus

RESPONDENTS

1. State Govt. of Chhattisgarh, Through Secretary, Tribal Welfare Department & Education Department, D.K.S. Bhawan, District Raipur (C.G.)
2. District Education Officer, Raipur, District Raipur (C.G.)
3. District Education Officer, Dhamtari, District Dhamtari(CG)
4. Block Education Officer, Arang / Kurud/ Rajim District Raipur(CG)
5. Block Education Officer, Nagri/ Dhamtari/ Magarload, District Dhamtari(CG)
6. Treasury, Accounts & Pension, District Raipur(CG)
7. Treasury, Accounts & Pension, District Dhamtari(CG)

(Writ Petition under Article 226 of the Constitution of India)

Appearance:

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Sumit Verma, Panel Lawyer for the State on advance copy.

ORAL ORDER
(17.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/

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Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu & others Vs. State Govt. of Chhattisgarh & another (W.P.(S) No. 813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (Supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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